



Boca Raton
Chicago
Manhattan

Melville
Nashville
Philadelphia

San Diego
San Francisco
Washington, D.C.

March 3, 2021

VIA ECF

The Honorable John P. Cronan
United States Courthouse
Southern District of New York
500 Pearl St., Courtroom 12D
New York, NY 10007-1312

Re: *In re Luckin Coffee Inc. Securities Litigation*, Case No. 1:20-cv-01293-JPC
(S.D.N.Y.)

Dear Judge Cronan:

We represent plaintiffs Teamsters Local 710 Pension Fund, City of Fort Myers' Police Officers' Retirement System, Kimson Chemical Inc. and Michael Bergenholtz ("State Class Plaintiffs") and serve as court-appointed lead counsel in *In re: Luckin Coffee Inc. Securities Litigation*, Index No. 651939/2020, a putative securities class action against Luckin Coffee Inc. ("Luckin") and other defendants pending in New York Supreme Court before Justice O. Peter Sherwood. We write to request permission to attend the scheduled teleconference in the above-referenced matter scheduled for March 4, 2021 at 10:00 a.m. before Your Honor regarding the provisional certification of class claims proposed by the federal lead plaintiffs and Luckin. *See* ECF No. 236.

The State Class Plaintiffs represent putative classes that overlap with the proposed provisional class, as well as putative class claims that are not asserted in the federal action. Specifically, the State Class Plaintiffs assert claims arising under the Securities Act of 1933 (the "Securities Act") on behalf of all persons who purchased: (i) American Depositary Shares ("ADSs") issued in Luckin's May 2019 initial public offering; (ii) ADSs issued in Luckin's January 2020 secondary offering; and (iii) convertible senior notes issued in Luckin's January 2020 note offering.

The federal lead plaintiffs and Luckin did not confer with the State Class Plaintiffs prior to filing their proposal regarding provisional certification. They also did not mention the state class proceedings or discuss the impact of their proposal on state class proceedings in their submissions to the Court. Furthermore, defendants have challenged the federal lead plaintiffs' standing to assert Securities Act claims on their own behalf or as representative parties. *See* ECF No. 205 at 29-30; ECF No. 211 at 11-17. As the proposal clearly implicates the claims being pursued and putative classes represented by the State Class Plaintiffs, the State Class Plaintiffs respectfully request permission to attend the teleconference through counsel.

**Robbins Geller
Rudman & Dowd LLP**

The Honorable John P. Cronan
March 3, 2021
Page 2

Respectfully submitted,

Robbins Geller Rudman
& Dowd LLP

Berger Montague PC

Shapiro Haber & Urmy LLP

/s/ David A. Rosenfeld
David A. Rosenfeld

/s/ Michael C. Dell'Angelo
Michael C. Dell'Angelo

/s/ Edward F. Haber
Edward F. Haber


BEC:hs

cc: Samuel H. Rudman, Esq.
Brian E. Cochran, Esq.
Avital O. Malina, Esq.
Barbara A. Podell, Esq.
Andrew Abramowitz, Esq.
Justin M. Alaburda, Esq.
Victoria L. Ferrise, Esq.
Justin M. Lovdahl, Esq.
Adam M. Stewart, Esq.
All Counsel of Record in federal action (via
ECF)

It is hereby ORDERED that the State Class Plaintiffs may attend the
March 4, 2021 conference.

SO ORDERED.

Date: March 3, 2021
New York, New York


JOHN P. CRONAN
United States District Judge